

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**2:99 CR 80  
2:95 CR 118**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>MITCHUM SCOTT TURPIN,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** came before the undersigned on March 21, 2014 for the purpose of hearing evidence in regard to a Violation Report (#73) that has been filed by the United States Probation Office alleging that Defendant has violated the terms and conditions of his prehearing release in regard to allegations that he has violated the terms and conditions of his supervised release. (#51 & #70) The undersigned had conducted an initial appearance hearing for Defendant in regard to the Violation Report on March 19, 2014. At that time, the undersigned was advised that the Clerk's Office could not obtain contact with Defendant's attorney, Mr. Frank Lay of Sylva, NC. Out of an abundance of caution, the undersigned attempted to appoint the Federal Defenders Office to represent Defendant in regard to just the Violation Report alleging that Defendant had violated terms and

conditions of his prehearing release. The undersigned further directed the Federal Defender and the Clerk to attempt to contact Mr. Lay regarding these matters. The undersigned was advised by Defendant that Mr. Lay was involved in the trial of a case in Graham County, NC.

On March 21, 2014, the undersigned called this matter on for hearing and at that time, Fredilyn Sison of the Federal Defenders Office advised the Court that she had not been able to contact Mr. Lay and she could not discuss the matter with the Defendant without the consent of Mr. Lay. The Office of the Clerk advised that despite several calls to Mr. Lay's office they had been unable to get in touch with either him or his office. The undersigned then entered an oral order continuing the hearing of Defendant's matter until Wednesday, March 26, 2014.

After going into chambers, the undersigned attempted to contact Mr. Lay and also Judge Bradley Letts, Superior Court Judge presiding over the matter and trial in Graham County involving Mr. Lay. The undersigned was successful in contacting Judge Letts and Judge Letts advised the undersigned he would end the trial in which Mr. Lay was involved on the evening of March 27, 2014 and Mr. Lay would then be free to appear before the undersigned for hearing of the Violation Report on March 28, 2014. The undersigned appreciates the

accommodation of Judge Letts and the relationship that this Court has with Judge Letts in regard to the timing of time conflicted matters in the State and Federal Courts.

As a result of the foregoing, the undersigned finds there is good cause for the continuance of the Violation Report until Friday, March 28, 2014. The undersigned will schedule a hearing in regard to the matter in the United States District Court in Asheville, NC.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the hearing of the Violation Report (#73) is hereby scheduled for **Friday, March 28, 2014 at 9:30 a.m.** in courtroom #2 in the United States Courthouse in Asheville, North Carolina. Mr. Lay or an attorney who has authority from Mr. Lay to represent the Defendant in this matter is required to be present for the hearing of the Violation Report.

Signed: March 26, 2014

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

